

IN THE UNITED STATES DISTRICT COURT *FILED BY [initials]* D.C.
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION 05 NOV -9 PM 2:45

UNITED STATES OF AMERICA,

VS.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENN., MEMPHIS

NO. 05-20022-Ma

MARK ANTHONY CROWDER,

Defendant.

ORDER GRANTING MOTION TO STRIKE SURPLUSAGE

Before the court is the government's November 8, 2005, motion to strike surplusage from the indictment. After hearing arguments of counsel and for good cause shown, the court finds that the motion should be granted. The language the government seeks to strike is not an essential element of the offense. The court finds that defendant received ample notice that the government would seek to prove that the theft was from an interstate shipment and, further, that the defendant will not be prejudiced by making a simple correction to the indictment. The motion is granted.

It is so ORDERED this 9th day of November, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 44 in case 2:05-CR-20022 was distributed by fax, mail, or direct printing on November 14, 2005 to the parties listed.

Doris A. Randle-Holt
FEDERAL PUBLIC DEFENDER
200 Jefferson Ave.
Ste. 200
Memphis, TN 38103

Valeria Rae Oliver
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT